

**BOARD OF DIRECTORS – ACTION SUMMARY**  
**Thursday, April 12, 2007 – 6:00 p.m.**

**Administration Building – Board Chambers**  
**2101 Hurley Way, Sacramento, CA 95825**

**CALL TO ORDER**

The meeting was called to order by Vice President Trujillo. Board Members present: Clark, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley. Director Kelly, absent. Staff: Fire Chief Mette, General Counsel Margarita, Board Clerk Tilson.

**PLEDGE TO FLAG** led by the Girl Scouts of Tierra Del Oro.

**METRO CABLE 14 ANNOUNCEMENT**

The open session Meeting is videotaped for cablecast on Metro Cable 14. Replay on Saturday, April 14 at 1:00 p.m. and Monday, April 16 at 6:00 p.m. on Channel 14; Webcast at [www.sacmetro cable.tv](http://www.sacmetro cable.tv). A VHS copy is also available for checkout from any library branch.

**PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA**

Pat Monahan, Metro Vice President of Local 522, publicly apologized for his limited involvement with the latest issue brought forward by the Sacramento Bee. He concluded by stating he will continue as Vice President for his union.

Brian Rice, President of Local 522, stated he knew what happened and does not condone it but assured the Board that the diligence, commitment, compassion, and respect for our community has not faltered. He concluded his comments in support of Pat Monahan as Vice President of the Union.

**CONSENT AGENDA:**

1. Board Meeting Action Summary—March 22, 2007

- **Board Action:**  
*Engellenner/Granados—approve the consent Agenda. Directors Engellenner, Clark, Goold, Granados, Lawson, Trujillo, Valley, AYE. Director Jones, abstained. Director Kelly, absent. Motion carried.*

**ACTION ITEM(S):****1. Appeal Process for At-Will Employees—(Michael Dean)**

- Attorney Michael Dean of Meyers Nave Riback Silver & Wilson stated he was asked by the District General Counsel's office to provide comments on a proposed District policy dealing with appeals to the Board by District employees who serve at will and have been terminated by the Fire Chief.
- This policy is independent of and without reference to any actions that might be pending or undertaken by the District in the future.
- The District currently has in place two Resolutions No. 07-07 and 08-07 dealing with at-will employees. Both resolutions provide for some form of appeal to the Board in Section 14, "All members of Senior Management, Management, and Unrepresented Confidential Employees serve at the pleasure of the Fire Chief. Appointments are made by the Fire Chief. Release from appointment shall be affected only by the Fire Chief, with an appeal right to the Board of Directors." An appeal right to the Board is inconsistent with the concept that these employees "serve at the pleasure of the Fire Chief."
- The following recommendations were made by Counsel Dean:

First, amend each of the two Resolutions to provide that Confidential Employees no longer be at will but may be disciplined or discharged only for cause. Confidential employees would have a full right of appeal in the same manner as any of the bargaining unit employees represented by the union. (Option 4)

Second, the two Resolutions be amended to provide that the senior management and management employees (safety or non-safety) continue to be at-will employees with appeal rights restricted to a "liberty interest" hearing to publicly present to the Board their version of events leading to the release from employment; without entitlement to reinstatement. (Option 4)

Third, it was recommended that the "bump back" and "Y-rate" provisions of the two resolutions be deleted. Instead the resolutions would recognize the right of the Fire Chief to reassign these at-will employees to other positions in the District. (Option 4)

Fourth, it was recommended that the District adopt Appeal Procedures that would be applicable only to those management and confidential employees that have already been terminated by the Fire Chief and are therefore entitled to an appeal to this Board under the terms of the two resolutions currently existing. It would not apply to future employees. (Option 3)

Mr. Dean referred to his 14-page memorandum dated March 14, 2007, containing a series of options. He explained in great detail the recommendations to include, among other things, the at-will provision, the differences between management and confidential employees, the “liberty interest” hearing, and the existing conflict in the resolutions between an at-will employee and the appeal right to the Board of Directors.

The Policy Committee recommended adoption of Option 4, page 14, containing the precise language to amend Resolutions No. 07-07 and 08-07.

The Policy Committee also recommended Option 3, pages 9 through 13, for adoption as the Appeals Procedure for any currently pending appeals by at-will employees under the terms of the two resolutions currently existing. Recommended it not be carried forward for future employees.

- **Board Action:**  
*Granados/Valley—approve the recommendation from outside counsel. Directors Clark, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion carried.*

## 2. **Defense and Indemnity Policy—(Michael Dean-Meyers Nave)**

- Counsel Dean stated he was requested by Fire Chief Mette, the District General Counsel’s office, and the Policy Committee to assist in drafting this policy.
- The draft policy presented tonight was recommended for approval by the Policy Committee and referred to the full Board.
- This particular area of law is regulated extensively by State law under the Tort Claims Act in Government Code Section 810, et seq., and applies to all District employees and District officers, including members of the Board of Directors.

- Mr. Dean referred to his 11-page draft policy. He stated the substance of the policy is basically an outline of the obligations in the Tort Claims Act. Defense means the obligation on the part of the District to appear in court and pay all related costs. Indemnity is the obligation to pay for any damages that the court may award.

As a general rule, if a present or former employee or officer is sued or threatened to be sued arising out of the scope of their employment and a request for defense and indemnity is presented to the District, the District is required to defend and indemnify the employee or officer in any civil proceeding from and against monetary damages or losses regardless of fault.

- **Board Action:**  
*Granados/Valley—adopt the policy recommended in accordance with the California State law. Directors Clark, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion carried.*

**3. Sacramento Local Agency Formation Commission—(Mette)**

**A. Elect Special District Commissioner Office No. 6**

- **Board Action:**  
*Jones/Goold—nominate Charles Rose for election as Commissioner. Directors Clark, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion carried.*

**B. Elect Alternate Special District Commissioner**

- **Board Action:**  
*Jones/Goold—nominate Steve Hanson for election as Alternate. Directors Clark, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion carried.*

**4. Bid Award—David Clark Communication System—(Latta)**

- In response to a Request for Bids, the following were received:

<b><u>Company</u></b>	<b><u>Bid</u></b>
Kyle Yates, Inc.	\$65,018.13 (including sales tax)
Day Wireless Systems	\$68,342.28 (does not include sales tax)
Setcom Corporation	\$46, 533.45 (This equipment was not David Clark as specified.)

- Staff recommended the Board authorize the purchase of David Clark Communication Systems from Kyle Yates, Inc. as the lowest responsive, responsible bidder in the amount of \$65,018.13.
- **Board Action:**  
*Goold/Lawson—approve staff recommendation. Directors Clark, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion carried.*

## 5. Bid Award—Training Facility Consultant Services—(Ernst)

- Sacramento Metropolitan Fire District has identified a long overdue need for a Training Facility. Currently there are no adequate training sites within the District's jurisdiction.

With the pending purchase of a 53 acre training site, staff has identified a need to bring in an outside consultant to develop a Strategic Business Plan that addresses the following: needs assessment, facility assessment, operations plan, site requirement, financial assessment, cost benefit analysis, and a funding strategy.

- In response to a Request for Bids, the following were received:

<b><u>Company</u></b>	<b><u>Bid</u></b>
MFDB Architects Inc.	\$ 58,200
Interact Business Group	\$ 69,000
Dean F. Unger, AIA Inc.	\$ 159,000

- Staff recommended the bid be awarded to MFDB Architects Inc. for consulting services in the amount of \$58,200 as the lowest responsive, responsible bidder.
- Director Goold encouraged exploration of opportunities to partner with other agencies for maximum use and generation of revenue.

Fire Chief Mette stated he was in favor of partnering but wanted to take care of the District's needs first.

- **Board Action:**  
*Goold/Granados—approve staff recommendation. Directors Clark, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion carried.*

[Director Engellenner departed at 7:30 p.m.]

**6. Bid Award—Turnout Ensemble—(Carr)**

- A 5-page staff report was submitted, along with a 36-page Personal Protective Equipment Testing Report.
- John Carr, Chairperson for the District's Turnout selection team, provided a detailed report on the background of the three-phase wear testing process to update the specifications for firefighting Personal Protective Equipment known as "Turnout" gear or PPE. A committee of five firefighters was selected to evaluate the turnouts currently in use.

- In response to a formal request for bids, the following were received:

Fire Gear (Bacou/Dalloz – Securitex)	\$1,330.00
Fire Dex (Fire Dex LLC – Mallory Fire)	\$1,535.17
Morning Pride (Fisher Safety)	\$1,912.43
Globe (L.N. Curtis and Sons)	\$1,610.86
Ultra Motion (Bacou/Dalloz – Securitex)	\$1,400.00

- A combined scoring for technical merit and cost was assigned with 65 percent for technical merit and 35 percent for cost. Morning Pride received the highest score and tested number one throughout the process with 65 points for technical merit.
- Staff recommended, after considerable testing by the PPE Committee, that the Board adopt the PPE Committee recommendation and award the bid to the Morning Pride Corporation, which was submitted by Fisher Safety Fire and Emergency Services, in the amount of \$1,912.43 per unit for the first year, for the purchase of 104 Personal Protective Equipment units, totaling \$198,892.72, including tax.

Furthermore, staff recommended that the Board adopt the PPE Committee recommendation and award the bid to the Morning Pride Corporation, submitted by Fisher Safety Fire and Emergency Services, for the second and third years with a cost increase per year not to exceed 5% per second and third years, and as set forth in the formal bid by Fisher Safety Fire and Emergency Services, for an undetermined number of units each year, based on the assessed need of the District.

- Director Goold commended the team for an outstanding job and a quality analysis for their recommendation. If there is a better gear, he wanted the men and women to have the best personal protective equipment money can buy because we cannot buy back a firefighter that has passed.
- Director Granados seconded the comments stating this is the best safety equipment report he has ever seen.
- **Board Action:**  
*Goold/Jones—approve staff recommendation. Directors Clark, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Directors Engellenner, Kelly, absent. Motion carried.*
- Captain Monahan, Local 522, commended the many people who worked on this process and thanked the Board for supporting our men and women by providing the best possible protective gear out on the market.
- Brian Rice, Local 522, thanked Fire Chief Mette for his leadership and the Board who not only invested in the safety of the firefighters, but also the safety of the community by providing better protection for both.

## 7. Purchase of Additional Grass Unit off Existing Bid—(Fred Beno)

- In June 2006, the Board approved the purchase of three Type III Grass Units from Placer Fire, Inc. Metro Fire's 2006-07 budget approved an additional Type III Grass unit. Placer Fire has offered this fourth unit at the same price, terms and conditions, as the previous three on purchase order #07549 and #07550. Total price is \$230,542.12, which includes California State Sales Tax and a 4% discount (\$4,905.80) for a 100% pre-payment, due at the time of the order.

This request meets the District Purchasing Policy, based on California Public Contract Code Section 10298 and District Counsel's approval. This body build up is a piggyback order from the State of California for the California Department of Forestry (CDF). The order was for eight build-ups on State bid #54564 and purchase order #60603 awarded on June 30, 2005.

This unit fulfills our 2006-07 vehicle replacement schedule of this type of fire apparatus. This vehicle will replace District Unit #0048, a 1984 GMC Type III Grass unit. This stock vehicle comes with 2006 Federal Emission Standards; therefore, saving the District nearly \$10,000.00 because there is a 2007 Federal Emission Standards cost increase.

The third party Bid Reporter, used by the State, receives a copy of the state's purchase order as the only bid document to complete the purchase.

- Staff recommended the Board approve this purchase to piggyback off of the existing bid and extend it to Placer Fire to order one more unit.
- **Board Action:**  
*Granados/Jones—approve staff recommendation. Directors Clark, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Directors Engellenner, Kelly, absent. Motion carried.*

#### 8. Purchase of Additional Ambulance—(Fred Beno)

- Ford Motor Company has announced their intention to discontinue using diesel engines in their E-450 Ambulance Package for model year 2008. All Metro Medics are Ford E-450s with diesel engines. This type of engine is necessary to withstand the severe service and call volume of District medics.

Medtec is the District vendor for all medics, under a 5-year purchase agreement, with the District in the third year. Medtec Ambulance has a limited inventory of 2007 E-450 diesel engine, ambulances available. It would be prudent for the District to increase the ambulance inventory before the diesel engine is phased out in the Ford E-450 series.

- A couple of changes in the District's fleet replacement schedule provide the opportunity to purchase two additional medics for \$242,000.00. The replacement of one reserve ARFF unit has been deferred to another budget year, and one Weapons of Mass Destruction unit will remain on-line rather than being replaced in the 2006/07 budget, due to its good condition. The savings of these two units alone afford the purchase of the two medics, while available, with the necessary diesel engines from the 2006-07 budget.
- Staff recommended the Board authorize the District to purchase two medics, under the 5-year purchase agreement with Medtec.

**NOTE:** If this staff recommendation is approved, the 20-year Vehicle Replacement Plan will be amended to reflect the adjustment to the authorized fleet inventory.

- **Board Action:**  
*Goold/Clark—approve the staff recommendation. Directors Clark, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Directors Engellenner, Kelly, absent. Motion carried.*



**PRESIDENT'S REPORT—(Kelly)** None**FIRE CHIEF'S REPORT—(Mette)**

- Fire incident report – 14 significant working structure fires.
- April 14 – Third Rancho Cordova Blight Buster outreach will be held in the Lincoln Village area to go door-to-door and check on smoke detectors. About 50 percent of the people contacted either need a battery or a smoke detector.
- April 5 – Ceremony conducted by the Union Pacific Railroad with invitations to the Sacramento Metropolitan Fire District along with Sacramento City Fire. Union Pacific made a donation of firefighting equipment for participation in the trestle fire amounting to around \$20,000.
- Last week, Fleet Manager Fred Beno and his staff co-hosted the California Fire Mechanics Academy, with a majority of the District mechanics attending the classes.
- April 6 – Point West Rotary honored Chris Montoya as the Firefighter of the Year.
- March 29 – Annual Awards Ceremony was held honoring personnel for years of service, peer recognition, employees of the year, media excellence, and commendations of valor.
- April 7 – attended the Whistle Stop tour of the National Fallen Firefighters Foundation intended to increase awareness of the line of duty firefighter deaths, with a goal of reducing it by 50% over the next ten years.
- April 28 – Kicked off the Drowning Prevention Campaign. Teaming up with the SAFE KIDS of Greater Sacramento and the North Highlands Recreation and Parks District to offer a training seminar in keeping kids safe around pools, spas, and rivers. The UC Davis Trauma Prevention and Kaiser Hospital have donated funds to purchase additional life jackets for the District's River Safe Operation starting Memorial Day on the American River.
- Congratulated Debbie Martin on her promotion to Purchasing Agent.
- Recently met with the SCI Consulting Group on updating the Capital Fire Facilities Impact Fee last done in 2005. Also drawing up a draft fire tax for new development.

- April 19 and 20 – Attending the annual Fire Districts Association of California conference in Monterey.
- April 21 – leaving for Washington, D.C. for the Cap-to-Cap, returning April 25.
- California Fire Chiefs Association announced a line of duty death today of Bryan Zollner, Staff Chief of Operations for CAL FIRE's Northern Region, who was involved in a car accident in the Lassen County area.

**GENERAL COUNSEL'S REPORT—(Margarita)**

- Commended Bill Sponable and Purchasing Agent Debbie Martin and all the staff for their assistance to enable conformance with the public contracting laws. The District is now on top of the contracting and bidding process and that is why there are more bids coming before the Board.

**COMMITTEE AND DELEGATE REPORTS:****Executive Committee—(Kelly)**

- TBD

**Communications Center Delegate—(Valley)**

- Received report on the last meeting.
- Next Meeting: April 24, 2007 – 10:30 AM

**California Fire & Rescue Training Authority—(Goold)**

- Next meeting: TBD

**Finance Committee—(Jones)**

- Met today-still waiting for the County to post the property tax revenue.
- Next meeting: May 10, 2007 – 5:00 p.m.

**Policy Committee—(Lawson)**

- Anticipate Cost-Recovery policy at the next meeting.
- Thanked Michael Dean of Meyers Nave and all those involved in resolving the policies voted upon this evening.
- Next meeting: April 26, 2007 – 5:00 p.m.

**BOARD MEMBER QUESTIONS AND COMMENTS:****Clark:**

- Around March 21, he surveyed the site of the trestle fire and one of the workers said the tracks would be ready by April 1. Coming from a construction background, he was surprised that it was done in record time. The ceremony was great. Union Pacific recognized Metro Fire, Sacramento City Fire, and the firefighters for their performance, especially since they usually do not deal with creosote fires. City Council Member Sandy Sheedy commented that it is amazing what a limited amount of money, the permitting process, and good union labor can do in a short amount of time. He commended all of our firefighters for a wonderful job in containing the fire.

**Goold:**

- Offered sincere condolences to Director Granados.
- Called for a Metro summit to include all stakeholders in the direction of this agency.
- Commented directly to the citizens of the District that a large percentage of men and women go to work every day and do the job they are paid to do in a manner that cannot be equaled anywhere in this country.
- Heard some eloquent requests for forgiveness and a desire to move forward. He asked that we do the same thing for the men and women that were involved in the previous administration. It is time to move on. He is prepared to support it but it has to go both ways.

**Valley:**

- He agreed with Director Goold on the fact that some things that happened seven years ago just came to light but we need to move on. He felt Fire Chief Mette did an outstanding job in correcting the situation.

**Granados:**

- Thanked all of the Directors, Fire Chief Mette, and the staff who have been very supportive of him this week, especially Greg Mugartegui and Cal Johnson who called him when the crew from Station 108 had to take his father to the hospital; special thanks to Chris Montoya and Tom Williams.
- Pat Monahan did stumble but friends do and you stand by them. That is what the firefighter family is all about. We own up to it and move on. He has done that.
- Expressed support of Fire Chief Mette.

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**Jones:**

- Received some phone calls from members and citizens of the City of Rancho Cordova thanking Metro Fire for their past and future participation and planning efforts for the Annual Fourth of July festivities. This is one of the solid events, which addresses exactly what we are about in terms of community service and participation. Thanked all of those involved in the past and working presently on this year's project.

**Lawson:**

- Echoed prior Board members comments about the state of Metro Fire. We are unified in supporting the men and women of Metro. He took exception to the editorial and cartoon in the Sacramento Bee and stated it does not reflect the current administration, staffing, or the personal professionalism given to our constituents.

**Trujillo:**

- Thanked the firefighters who came tonight to support their local union.
- Thanked staff for their excellent reports.
- Thanked the Color Guard from Tierra Del Oro.
- Thanked the men and women of the Sacramento Metropolitan Fire District who do an outstanding job protecting the citizens that we represent.
- Thanked all of the firefighters from Sacramento City Fire and Metro for an excellent job on the train trestle fire.
- Thanked organized labor for the rebuilding of the trestle in record time.
- Extended our prayers and thoughts to Board President Matt Kelly who was with his gravely ill father in Southern California.

**RECESS TO CLOSED SESSION 8:25 PM**

**RECONVENE TO OPEN SESSION 8:45 PM**

**CLOSED SESSION GOVERNMENT CODES:**

Report by General Counsel Margarita:

- 1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
Pursuant to California Government Code Section 54956.9(a) – One (1) Case

**Michael George vs Sacramento Metropolitan Fire District  
#2006048201**

The Board heard evidence on the matter and gave direction to staff to proceed with the settlement.

- 2. CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION**  
Pursuant to California Government Code Section 54956.9(b)(1)

No action was taken.

**ADJOURNMENT** – Meeting was closed at 8:45 p.m. in memory of Director Granados' father.

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Matt Kelly, President

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Thomas J. Lawson, Secretary

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Charlotte Tilson, Clerk of the Board